

REMARKS / ARGUMENTS

Status of Claims

The Examiner mistakenly asserts that claims 14-19 are currently pending. Instead, claims 15-19 are currently pending. Claims 15-19 stand rejected.

Rejections

Rejections Under 35 U.S.C. § 102(b)

Claims 15-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,205,825 issued to Alan C. Allison et al. (hereinafter referred to as "Allison").

The Applicants respectfully disagree with the Examiner's finding that Allison teaches each and every element of the present invention as claimed. In the least, Allison does not teach "at least one perforating member with a point at its end that is **capable of penetrating a plunger on the stem**, thus **breaking the seal with the wall intended to contain** the substance for injection when there is an attempt to withdraw the stem after injection," as required by claim 15. Instead, Allison discloses an insert for a syringe comprising two sets of barbed points 31a, 31b and 32a, 32b. Barbed points 31a, 31b are angled toward the proximal end of the syringe and facing inwardly toward each other and are configured to engage the plastic material of the plunger stem (the X-ribbed lengthwise structure as shown in Figure 6A). Barbed points 32a, 32b are inclined at an angle toward the proximal end and away from the distal (injection) end of the syringe and are configured for engagement with the syringe wall 44. In Allison, the inserts contact a plunger on a stem when a *blunted point* 11b contacts the injection end 20e of the plunger and prevents further retraction of the plunger (the stem of the present invention) 20 (see

Figure 3D). Similarly, Allison discloses a back end of the device 30 contacting the injection end 40c of the plunger (the stem of the present invention) 40 to prevent further retraction of the plunger (the stem of the present invention) 40 (see Figure 6D). Further, the Allison reference teaches away from fully penetrating a wall intended to contain the substance for injection. Specifically, the Allison reference provides a flat spot, as provided in Figure 9E, to limit the depth of penetration of the second set of barbed points into the syringe wall.

The Applicants submit that the failure of Allison to disclose perforating a plunger on a stem (as defined in this specification of the present application) is so clear that the Examiner must have inadvertently misconstrued Allison. The Applicants point out that the plunger of the present invention is a plunger 10 at one end of the internal element 8 while a pushing base 11 is at the other end of the internal element 8. More specifically, the plunger 10 is joined to the pushing base 11 by an intermediate stem 9 formed by longitudinal walls 12 with an X-shaped portion.

The Applicants submit that since Allison does not teach each and every element of claim 15, Allison cannot be held to anticipate claim 15. Accordingly, the Applicants submit that claims 15-19 are in condition for allowance and request reconsideration and withdrawal of the rejection of claims 15-19 under 35 U.S.C. § 102(b).

Conclusion

Applicants respectfully request entry of the foregoing amendments and an action on the merits. Please charge any additional requisite fees relating to this amendment and response to Deposit Account No. 501581.

Respectfully submitted,

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